ATTORNEYS AT LAW 43 CORPORATE DRIVE HAUPPAUGE, NEW YORK 11788-2048

(631) 873-4888 FAX (631) 873-4889

Susan B. Jannace Ross M. Chinitza

Counsel

\*Also Admitted NJ

ΔAlso Admitted CT

August 21st, 2020

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* Ian E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLuca∆

Via ECF

Magistrate Judge Robert M. Levy United States District Court Eastern District of New York 225 Cadman Plaza East Brooklyn, New York 11201

> Singh, Devander v. Ronald Poles, Penske Truck Leasing Co., L.P., Penske Truck Leasing Corporation, Costco Wholesale Corporation, Costco Wholesale Membership, Inc. and Sahib Walia

Civil Action No: 1:19-CV-1984-JBW-RML

Dear Magistrate Judge Levy:

This office represents the defendants, Ronald Poles and Costco Wholesale Corporation, in the above-matter.

We have received HIPAA-compliant authorization plaintiff's records from Counsel. We respectfully request the Court so-order the attached subpoenas to be served on the providers.

Thank you for the opportunity to address the Court in this matter.

Respectfully submitted,

s/ Sally Kassim-Schaefer Sally Kassim-Schaefer

SKS/sa

ATTORNEYS AT LAW
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HAUPPAUGE, NEW YORK 11788-2048
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August 21st, 2020

Enzolabs 94-19 60<sup>th</sup> Drive, D1/D2 Queens, New York 11373

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address: 95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

To Whom It May Concern:

Attached hereto please find a subpoena in reference to the above captioned matter. This letter is to notify you that you need NOT appear at our office on the said date on the subpoena. However, you are required to send a certified copy of all records in your possession to our office:

Simmons Jannace DeLuca, LLP 43 Coprorate Drive Hauppauge, New York 11788-2048

We must receive these records by the date on the subpoena. Thank you for your corporation in this matter. If you have any questions, please do not hesitate to contact me.

Very Truly Yours.

Simmons Jannace DeLuca, LLP

3v:

Stephanie Adamo Paralegal

phanie:

AO 88B (Rev. 12/13) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

De	evander Singh )		
	Plaintiff )		
	v. )	Civil Action No. 19-CV-1984	
Costco Whole	esale Corporation, et al.		
	)		
	Defendant )		
	BPOENA TO PRODUCE DOCUMENT OR TO PERMIT INSPECTION OF PI		
То:	Enzola 94-19 60th Drive, D1/D2, Q		
-	(Name of person to whom	this subpoena is directed)	
documents, electronica material:	ally stored information, or objects, and to	permit inspection, copying, testing, or sampling	ng of the
Place: Cimmons James	nes Del use LLD	Date and Time:	
Place: Simmons Jannace DeLuca, LLP 43 Corporate Drive Hauppauge, NY 11788		09/10/2020 10:00 am	
other property possesse	ed or controlled by you at the time, date,	permit entry onto the designated premises, la and location set forth below, so that the reques operty or any designated object or operation of	sting party
Place:		Date and Time:	
Rule 45(d), relating to		ned – Rule 45(c), relating to the place of compubpoena; and Rule 45(e) and (g), relating to yoloing so.	
Date:			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk	Attorney's signature	
The name, address, e-n	nail address, and telephone number of the	attorney representing (name of party)	
Costco Wholesale Corp	· ·	, who issues or requests this subpoe	na, are:
	Jannace DeLuca, LLP, 43 Corporate Drive, H		

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)	bpoena for (name of individual and title, if a	·/	
☐ I served the su	abpoena by delivering a copy to the nat	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	enalty of perjury that this information i	s true.	
te:		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 12/13) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

### (2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

### (3) Quashing or Modifying a Subpoena,

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



OCA Official Form No.: 960

# AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA

[This form has been approved by the New York State Department of Health]

Patient Name	Date of Birth	Social Security Number
Devander Singh	80	113 ×1(E)(113
Patient Address		
95-02 104th Street, Ozone Park, New York 11416		

I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

- 1. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT, except psychotherapy notes, and CONFIDENTIAL HIV\* RELATED INFORMATION only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.
- 2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. 1 understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If l experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.
- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL

CARE WITH ANYONE OTHER THAN THE ATTORNEY OF	R GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9 (b).			
7. Name and address of health provider or entity to release this info Enzolabs; 94-19 60 Dr Unit. DI DZ	mation: 2. Grueens, NY 1/373			
8. Name and address of person(s) or category of person to whom this Simmons Jannace Deluca, LLP, 43 Corporate Drive, Ha	s information will be sent:			
9(a). Specific information to be released:    Medical Record from (insert date)	tes (except psychotherapy notes), test results, radiology studies, films,			
(b) ☐ By initialing here Lauthorize				
(b) Dy initialing here I authorize Initials to discuss my health information with my attorney, or a gover	Name of individual health care provider nmental agency, listed here:			
(Attorney/Firm Name or Gov	ernmental Agency Name)			
<ul> <li>10. Reason for release of information:</li> <li>☐ At request of individual</li> <li>☐ Other: LEGAL</li> </ul>	11. Date or event on which this authorization will expire:  two years from date signed			
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:			
All items on this form have been completed and my questions about copy of the form.	this form have been answered. In addition that been provided a SWOIN to Defeve me on:  Date: 07-20-2020			

HEN A SKOR \* Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects inferty rithing by his control world identify someone as having HIV symptoms or infection and information regarding a person's contacts. No. 02SK6316884 Qualifled in Queens County

Signature of patient or representative authorized by law.

ATTORNEYS AT LAW 43 CORPORATE DRIVE HAUPPAUGE, NEW YORK 11788-2048 (631) 873-4888

FAX (631) 873-4889

Susan B. Jannace Ross M. Chinitz

Counsel

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Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLuca A

Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann Daniel J. Solinsky

August 21st, 2020

Dr. Suleyman Rana Javed 117-10 Hillside Avenue Richmond Hill, New York 11418

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address: 95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

To Whom It May Concern:

Attached hereto please find a subpoena in reference to the above captioned matter. This letter is to notify you that you need NOT appear at our office on the said date on the subpoena. However, you are required to send a certified copy of all records in your possession to our office:

Simmons Jannace DeLuca, LLP 43 Coprorate Drive Hauppauge, New York 11788-2048

We must receive these records by the date on the subpoena. Thank you for your corporation in this matter. If you have any questions, please do not hesitate to contact me.

Very Truly Yours.

Simmons Jannace DeLuca, LLP

By: <u>Mefshanie Mda</u> Stephanie Adamo

Paralegal

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

	Devander Singh )		
	Plaintiff )		
	v.,	Civil Action No.	I9-CV-1984
Costco W	holesale Corporation, et al.		
	Defendant )		
S	UBPOENA TO PRODUCE DOCUMENOR TO PERMIT INSPECTION OF P		
To:	Dr. Suleyman 117-10 Hillside Avenue, Rich		18
	(Name of person to whom	this subpoena is directed)	
documents, electron material:	: YOU ARE COMMANDED to produce a nically stored information, or objects, and to	permit inspection, cop	bying, testing, or sampling of the
Place: Simmons Jar	anaga Datuga III B	Date and Time:	
43 Corporate	Drive	09/	10/2020 10:00 am
Hauppauge,	NY 1 <b>1788</b>		
other property posse	of Premises: YOU ARE COMMANDED to essed or controlled by you at the time, date, re, survey, photograph, test, or sample the present the pr	and location set forth b	below, so that the requesting party
Place:		Date and Time:	
Rule 45(d), relating	ng provisions of Fed. R. Civ. P. 45 are attacted to your protection as a person subject to a special and the potential consequences of not	subpoena; and Rule 450	
Date:			
	CLERK OF COURT		
		OR	
	Signature of Clerk or Deputy Clerk		Attorney's signature
The name, address.	e-mail address, and telephone number of th	e attorney representing	(name of party)
Costco Wholesale C		, ,	or requests this subpoena, are:
Sal F. DeLuca, Simmo sdeluca@sjdfirm.com	ons Jannace DeLuca, LLP, 43 Corporate Drive,		

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this	subpoena for (name of individual and title, if a	any)	
on (date)	# 		
☐ I served the	subpoena by delivering a copy to the na	med person as follows:	
		on (date)	or
☐ I returned th	ne subpoena unexecuted because:		
		d States, or one of its officers or agents, I see, and the mileage allowed by law, in the	
My fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under	penalty of perjury that this information	is true.	
Date:		Server's signature	
		Printed name and title	

Additional information regarding attempted service, etc.

AO 88B (Rev. 12/13) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

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- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



Signature of

patient or representative authorized by law.

OCA Official Form No.: 960

# AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA

[This form has been approved by the New York State Department of Health]

Patient Name	Date of Birth	Social Security Number
Devander Singh	/80	146-06-98189
Patient Address		
95-02 104th Street, Ozone Park, New York 11416		

I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

- 1. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT, except psychotherapy notes, and CONFIDENTIAL HIV\* RELATED INFORMATION only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.
- 2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.
- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9 (b)

CARLE WITH ANY ONE OTHER THAN THE ATTORNET O	R GOVERNMENTAL AGENCY SPECIFIED IN TIEM 9 (b).		
Name and address of health provider or entity to release this info	Iside Ave. Richmond Hill NV 11418		
8. Name and address of person(s) or category of person to whom the	is information will be sent:		
Simmons Januace Deluca, LLP, 43 Corporate Drive, H.	aunnauge New York 11788		
	auppauge, item 101k 11700		
9(a). Specific information to be released:			
☐ Medical Record from (insert date)	to (insert date)		
☐ Entire Medical Record, including patient histories, office no	otes (except psychotherapy notes), test results, radiology studies, films,		
referrals, consults, billing records, insurance records, and r	ecords sent to you by other health care providers		
Other: 91/ medical records,	^		
	Include: (Indicate by Initialing)		
reports, films + bills	Alcohol/Drug Treatment		
porter =0 -			
Mental Health Information			
Authorization to Discuss Health Information HIV-Related Information			
(b) ☐ By initialing here I authorize			
Initials	Name of individual health care provider		
to discuss my health information with my attorney, or a gover	nmental agency, listed here:		
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
(Attorney/Firm Name or Gov	rernmental Agency Name)		
<ol><li>Reason for release of information:</li></ol>	11. Date or event on which this authorization will expire:		
☐ At request of individual	The state of the s		
Other: LEGAL	two years from date signed		
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:		
All items on this formhave been completed and my questions about	this form have been answered. In addition, I have been provided a		
copy of the form	Sworn to be fore me on:		
copy of the torm.	Siero Detale Lige Off.		

Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects in fary with the Public Pentilip Law protects in fary with the Public Pentilip State Pentilip State Public Pentilip State Pentilip

Date: 07-20-200

ATTORNEYS AT LAW
43 CORPORATE DRIVE
HAUPPAUGE, NEW YORK 11788-2048
(631) 873-4888
FAX (631) 873-4889

Counsel

Susan B. Jannace Ross M. ChinitzA

\*Also Admitted NJ AAlso Admitted CT

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* Ian E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann

Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLucaA

August 21st, 2020

Family Care Pharmacy 126-14 101 Avenue Richmond Hill, New York 11419

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address:95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

To Whom It May Concern:

Attached hereto please find a subpoena in reference to the above captioned matter. This letter is to notify you that you need NOT appear at our office on the said date on the subpoena. However, you are required to send a certified copy of all records in your possession to our office:

Simmons Jannace DeLuca, LLP 43 Coprorate Drive Hauppauge, New York 11788-2048

We must receive these records by the date on the subpoena. Thank you for your corporation in this matter. If you have any questions, please do not hesitate to contact me.

Very Truly Yours.

Simmons Jannace DeLuca, LLP

y: <u>Ilefthanie Ida</u> Stephanie Adamo

phanie Adamo Paralegal AO 88B (Rev. 12/13) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

	Devander Singh	)			
	Plaintiff	)		19-CV-1984	
	V.	)	Civil Action No.	19-CV-1984	
Costco	Wholesale Corporation, et al.	)			
	Defendant	)			
	SUBPOENA TO PRODUCE DO OR TO PERMIT INSPECTION				
To:		amily Care P	harmacy ld Hill, New York 114	19	
			is subpoena is directed		
material:	tronically stored information, or object	•	-		
Place: Simmons	Jannace DeLuca, LLP		Date and Time:		
	rate Drive		0	9/10/2020 10:00 am	
Hauppauge, NY 11788					
other property po	on of Premises: YOU ARE COMMA ossessed or controlled by you at the ti asure, survey, photograph, test, or san	me, date, a	nd location set forth	h below, so that the requesting party	
Place:			Date and Time:		
Rule 45(d), relatives	owing provisions of Fed. R. Civ. P. 4sing to your protection as a person sububpoena and the potential consequence	ject to a su	bpoena; and Rule 4		
Date:					
	CLERK OF COURT				
			OR		
	Signature of Clerk or Dep	outy Clerk		Attorney's signature	
The name. addre	ss, e-mail address, and telephone nun	nber of the	attorney representi	ng (name of party)	
Costco Wholesale				es or requests this subpoena, are:	
Sal F. DeLuca, Sin	nmons Jannace DeLuca, LLP, 43 Corpora	ate Drive, Ha			
sdeluca@sidfirm.c	om				

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)			
☐ I served the subj	poena by delivering a copy to the na	med person as follows:	
		on (date) ;	or
☐ I returned the su	bpoena unexecuted because:		
Unless the subpoen tendered to the with	a was issued on behalf of the Unitedness the fees for one day's attendance.	I States, or one of its officers or agents, I e, and the mileage allowed by law, in the	have also amount of
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pen	alty of perjury that this information	is true.	
): 		Server's signature	
		Printed name and title	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA

[This form has been approved by the New York State Department of Health]

Patient Name	Date of Birth	Social Security Number
Devander Singh	80	146-06-9818
Patient Address .		
95-02 104th Street, Ozone Park, New York 11416	The second secon	

I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

- 1. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT, except psychotherapy notes, and CONFIDENTIAL HIV\* RELATED INFORMATION only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.
- 2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.
- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.
- 6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL

CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9 (b).				
7. Name and address of health provider or entity to release this information;  Family Care Tharmacu: 126-14 101 Avenue, Richmond Hill, NY 11419				
8. Name and address of person(s) of category of person to whom this information will be sent: Simmons Jannace Deluca, LLP, 43 Corporate Drive, Hauppauge, New York 11788				
9(a). Specific information to be released:				
☐ Medical Record from (insert date)	to (insert date)			
☐ Entire Medical Record, including patient histories, office notes (except psychotherapy notes), test results, radiology studies, films, referrals, consults, billing records, insurance records, and records sent to you by other health care providers.				
Other: Marma Ceutical records	Include: (Indicate by Initialing)			
	Alcohol/Drug Treatment			
	Mental Health Information			
Authorization to Discuss Health Information	HIV-Related Information			
(b) ☐ By initialing here I authorize	The state of the s			
to discuss my health information with my attorney, or a gover	rnmental agency, listed here:			
(Attorney/Firm Name or Gov	rernmental Agency Name)			
10. Reason for release of information:	11. Date or event on which this authorization will expire:			
☐ At request of individual				
Other: LEGAL	two years from date signed			
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:			
All items on this form have been completed and my questions about copy of the form.	this form have been answered. In addition, I have been provided a			
1 foots	Date: 07-20-2020			

Human Immunodeliciency Virus that causes AIDS. The New York State Public Health Law protects information Whileline Scientific Research identify someone as having HIV symptoms or infection and information regarding a person's contacts.

Signature of patient or representative authorized by law.

No. 02SK6316884

OCA Official Form No.: 960

Qualified in Queens County

ATTORNEYS AT LAW
43 CORPORATE DRIVE
HAUPPAUGE, NEW YORK 11788-2048
(631) 873-4888
FAX (631) 873-4889

Counsel

Susan B. Jannace Ross M. Chinitz

\*Also Admitted NJ AAlso Admitted CT

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* Ian E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLuca

August 21st, 2020

Sherman-Abrams Laboratory 1466 49 Street Brooklyn, New York 11219

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address:95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

To Whom It May Concern:

Attached hereto please find a subpoena in reference to the above captioned matter. This letter is to notify you that you need NOT appear at our office on the said date on the subpoena. However, you are required to send a certified copy of all records in your possession to our office:

Simmons Jannace DeLuca, LLP 43 Coprorate Drive Hauppauge, New York 11788-2048

We must receive these records by the date on the subpoena. Thank you for your corporation in this matter. If you have any questions, please do not hesitate to contact me.

Very Truly Yours.

Simmons Jannace DeLuca, LLP

y: <u>Stephanie Stda</u> Stephanie Adamo

Paralegal

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

	Devander Singh )		
	Plaintiff )	40.4	2)/ 4004
	v <u>.</u>	Civil Action No. 19-0	CV-1984
Costco W	holesale Corporation, et al.		
	Defendant )		
S	SUBPOENA TO PRODUCE DOCUMEN		
	OR TO PERMIT INSPECTION OF P	REMISES IN A CIVIL A	ACTION
To:	Sherman-Abrar 1466 49th Street, Brook		
		this subpoena is directed)	
material:	nically stored information, or objects, and to		
Place: Simmons Jai	nnace DeLuca, LLP	Date and Time:	
43 Corporate	e Drive	09/10/	2020 10:00 am
Hauppauge,	NT 11/00		
other property posse	of Premises: YOU ARE COMMANDED to essed or controlled by you at the time, date, are, survey, photograph, test, or sample the present the p	and location set forth belo	ow, so that the requesting party
Place:		Date and Time:	
Rule 45(d), relating	ing provisions of Fed. R. Civ. P. 45 are attact to your protection as a person subject to a special and the potential consequences of not	subpoena; and Rule 45(e)	
Date:			
	CLERK OF COURT	OR	
	Signature of Clerk or Deputy Clerk		Attorney's signature
The name address	a mail addrage and talanhana number of th	a attorney representing (	ama of nantu)
	e-mail address, and telephone number of th		
Costco Wholesale C	Corporation ons Jannace DeLuca, LLP, 43 Corporate Drive, I		requests this subpoena, are: 873-4888.
sdeluca@sjdfirm.com			

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

ı (date)	ubpoena for (name of individual and title, if		
☐ I served the s	subpoena by delivering a copy to the na	amed person as follows:	
		on (date) ;	or
☐ I returned the	e subpoena unexecuted because:		
		d States, or one of its officers or agents, I ce, and the mileage allowed by law, in the	
\$	• (4)		
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under	penalty of perjury that this information	is true.	
e:		Server's signature	
		server's signuture	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



### OCA Official Form No.: 960 AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA [This form has been approved by the New York State Department of Health]

Patient Name	Date of Birth	Social Security Number	
Devander Singh	80	Social Security (Milliper	
Patient Address			
95-02 104th Street, Ozone Park, New York 11416			

I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

1. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT, except psychotherapy notes, and CONFIDENTIAL HIV\* RELATED INFORMATION only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.

2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.

3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.

4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.

5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DIS

CARL WITH ANYONE OTHER THAN THE ATTORNEY C	OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM 0 (5)
Sperman-Abrams Lamberty to release this in	6 49 Short Brookly a mild 11710
8. Name and address of person(s) or category of person to whom the Simmons Januace Deluca, LLP, 43 Corporate Drive, H	his information will be cont
9(a). Specific information to be released:  □ Medical Record from (insert date) □ Entire Medical Record, including patient histories, office of the second including patient histories, of the second including patient histories and the second including patient histori	to (insert date) totes (except psychotherapy notes), test results, radiology studies, films,
referrals, consults, billing records, insurance records, and Other: Of medical records,	records sent to you by other health care providers.  Indive: (Indicate by Initialing)
reports, tims + bills	Alcohol/Drug Treatment Mental Health Information
Authorization to Discuss Health Information  (b)   By initialing here	HIV-Related Information
(b) ☐ By initialing here I authorize Initials to discuss my health information with my attorney, or a gove	Name of individual health care provider ernmental agency, listed here:
(Attorney/Firm Name or Go	vernmental Agency Name)
10. Reason for release of information:  ☐ At request of individual ☐ Other: LEGAL	11. Date or event on which this authorization will expire:  two years from date signed
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:
All items on this form lave been completed and my questions about copy of the form.  Signature of patient or representative authorized by law.	this form have been answered. In addition, I have been provided a SWOYN - DE FOVE ME ON!  Date: 07-20-2020

STEPHEN A SKOR Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects in the Public H identify someone as having HIV symptoms or infection and information regarding a person's characts. No. 025K6316884 Qualified in Queens County

ATTORNEYS AT LAW
43 CORPORATE DRIVE
HAUPPAUGE, NEW YORK 11788-2048
(631) 873-4888
FAX (631) 873-4889

Counsel

Susan B. Jannace Ross M. Chinitza

\*Also Admitted NJ ΔAlso Admitted CT

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* Ian E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLuca

August 21st, 2020

Dr. Dylan Olivos 116-15 Jamaica Avenue Richmond Hill, New York 11418

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address:95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

To Whom It May Concern:

Attached hereto please find a subpoena in reference to the above captioned matter. This letter is to notify you that you need NOT appear at our office on the said date on the subpoena. However, you are required to send a certified copy of all records in your possession to our office:

Simmons Jannace DeLuca, LLP 43 Coprorate Drive Hauppauge, New York 11788-2048

We must receive these records by the date on the subpoena. Thank you for your corporation in this matter. If you have any questions, please do not hesitate to contact me.

Very Truly Yours.

Simmons Jannace DeLuca, LLP

Sy: <u>Mefrhanie Maan</u> Stephanie Adamo

nanie Adamo Paralegal AO 88B (Rev. 12/13) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

Devander Singh

# United States District Court

for the

Eastern District of New York

Plaintiff )	40.004
v. )	Civil Action No. 19-CV-1984
Costco Wholesale Corporation, et al.	
Defendant )	
SUBPOENA TO PRODUCE DOCUME OR TO PERMIT INSPECTION OF	
116-15 Jamaica Avenue, Ři	an Olivos chmond Hill, New York 11418
	om this subpoena is directed)
documents, electronically stored information, or objects, and material:	at the time, date, and place set forth below the following to permit inspection, copying, testing, or sampling of the
Place: Simmons Jannace DeLuca, LLP	Date and Time:
43 Corporate Drive Hauppauge, NY 11788	09/10/2020 10:00 am
other property possessed or controlled by you at the time, date may inspect, measure, survey, photograph, test, or sample the Place:	
l	
The following provisions of Fed. R. Civ. P. 45 are att Rule 45(d), relating to your protection as a person subject to a respond to this subpoena and the potential consequences of no Date:	
Date:	
CLERK OF COURT	OR
Signature of Clerk or Deputy Clerk	
Signature of Stork or Deputy Clerk	Another a signature
The name, address, e-mail address, and telephone number of t	he attorney representing (name of party)
Costco Wholesale Corporation	, who issues or requests this subpoena, are:
Sal F. DeLuca, Simmons Jannace DeLuca, LLP, 43 Corporate Drive sdeluca@sidfirm.com	

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

### **PROOF OF SERVICE**

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this sub	ppoena for (name of individual and title, if a	ny)	
☐ I served the sub	opoena by delivering a copy to the nar	med person as follows:	
		on (date)	or
☐ I returned the s	ubpoena unexecuted because:		
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$	·		
ees are \$	for travel and \$	for services, for a total of \$	0.00
I dealare under no	nalty of perjury that this information i	is true	
r deciare under pe	narry of perjury that this information i	is true.	
		Server's signature	
		Printed name and title	
		Server's address	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 12/13) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpocna or an order related to it.



### AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA OCA Official Form No.: 960

[This form has been approved by	the New York State Department	of Health
Patient Name Devander Singh Patient Address 95-02 104th Street, Ozone Park, New York 11416	Date of Birth	Social Security Number
I, or my authorized representative, request that health information accordance with New York State Law and the Privacy Rule of (HIPAA), I understand that:  I. This authorization may include disclosure of information TREATMENT, except psychotherapy notes, and CONFIDENT the appropriate line in Item 9(a). In the event the health information initial the line on the box in Item 9(a), I specifically authorize reduced. If I am authorizing the release of HIV-related, alcohol or describing the release of HIV-related alcohol or describing that I have the right to request a list of people who me experience discrimination because of the release or disclosure of Human Rights at (212) 480-2493 or the New York City Contraction.	relating to ALCOHOL and DR FIAL HIV* RELATED INFORM nation described below includes an lease of such information to the permitted to draw receive or use my HIV-related	RUG ABUSE, MENTAL HEALTH MATION only if I place my initials on by of these types of information, and I broon(s) indicated in Item 8, reatment information, the recipient is do so under federal or state law. I information without authorization. If

3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.

of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are

4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.

5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9 (b). Name and address of health provider or entity to release this information: Julan Olivos; 116-15 Jamaica 8. Name and address of person(s) or category of person to whom this information will be sent: Simmons Jannace Deluca, LLP, 43 Corporate Drive, Hauppauge, New York 11788 9(a). Specific information to be released: ☐ Medical Record from (insert date) to (insert date) ☐ Entire Medical Record, including patient histories, office notes (except psychotherapy notes), test results, radiology studies, films, referrals, consults, billing records, insurance records, and records sent to you by other health care providers. (Indicate by Initialing) Alcohol/Drug Treatment Mental Health Information Authorization to Discuss Health Information **HIV-Related Information** (b) By initialing here Initials Name of individual health care provider to discuss my health information with my attorney, or a governmental agency, listed here: (Attorney/Firm Name or Governmental Agency Name) 10. Reason for release of information: 11. Date or event on which this authorization will expire: At request of individual Other: LEGAL two years from date signed 12. If not the patient, name of person signing form: 13. Authority to sign on behalf of patient: All items on this form have been completed and my questions about this form have been answered. In addition, I have been provided a copy of the form

Date: 07-20-20

patient or representative authorized by law. Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects interpretable protects in the Public Public Police of New York State Public Health Law protects in the Public Police of New York State Public Health Law protects in the Public Police of New York State Public Health Law protects in the Public Police of New York State Public Health Law protects in the Public Police of New York State Public Health Law protects in the Public Police of New York State Public Public Police of New York State Public Pub identify someone as having HIV symptoms or infection and information regarding a person's contacts.

No. 025K6316884 Analitian in Amount

ATTORNEYS AT LAW
43 CORPORATE DRIVE
HAUPPAUGE, NEW YORK 11788-2048
(631) 873-4888
FAX (631) 873-4889

Counsel

Susan B. Jannace Ross M. Chinitza

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* Ian E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLuca

August 21st, 2020

Quality Medical 104-37A Lefferts Boulevard South Richmond Hill, New York 11419

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address: 95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

To Whom It May Concern:

Attached hereto please find a subpoena in reference to the above captioned matter. This letter is to notify you that you need NOT appear at our office on the said date on the subpoena. However, you are required to send a certified copy of all records in your possession to our office:

Simmons Jannace DeLuca, LLP 43 Coprorate Drive Hauppauge, New York 11788-2048

We must receive these records by the date on the subpoena. Thank you for your corporation in this matter. If you have any questions, please do not hesitate to contact me.

Very Truly Yours.

Simmons Jannace DeLuca, LLP

Sy: <u>Mefihanie Ndan</u> Stephanie Adamo

phanie Adamo Paralegal AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

Devander Singh

# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

V. Costco Wholesale Corporation, et al.  Defendant	) Civil Action No. 19-CV-1984
Dafaudaut	)
Detandant	
Dejenuani	)
	ENTS, INFORMATION, OR OBJECTS F PREMISES IN A CIVIL ACTION
	lity Medical outh Richmond Hill, New York 11419
	thom this subpoena is directed)
☑ Production: YOU ARE COMMANDED to product documents, electronically stored information, or objects, and material:	ce at the time, date, and place set forth below the following d to permit inspection, copying, testing, or sampling of the
Place: Simmons Jannace DeLuca, LLP	Date and Time:
43 Corporate Drive Hauppauge, NY 11788	09/10/2020 10:00 am
other property possessed or controlled by you at the time, do may inspect, measure, survey, photograph, test, or sample the Place:	ate, and location set forth below, so that the requesting party he property or any designated object or operation on it.  Date and Time:
	attached – Rule 45(c), relating to the place of compliance; o a subpoena; and Rule 45(e) and (g), relating to your duty to not doing so.
Date:	
CLERK OF COURT	OR
	erk Attorney's signature
Signature of Clerk or Deputy Cle	Anomey's signature
Signature of Clerk or Deputy Cle	

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	poena for (name of individual and title, if a	nny)	
1 (date)	_*		
☐ I served the sub	poena by delivering a copy to the na	med person as follows:	
		on (date) ;	or
☐ I returned the su	ubpoena unexecuted because:		
tendered to the with		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$	•		
y fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pen	nalty of perjury that this information	is true.	
te:			
		Server's signature	
		Printed name and title	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
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### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

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- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
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- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
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- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
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- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



# AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA OCA Official Form No.: 960

[This form has been approved by the New York State Department of Health]

		of trewitti
Patient Name Devander Singh	Date of Birth	Social Security Number
Patient Address	80	146-96-98134
95-02 104th Street, Ozone Park, New Yor	k 11416	
I, or my authorized representative, request that he	alth information regarding my care and treatmen	the sales at a contract to
In accordance with New York State Law and the F (HIPAA). I understand that	Privacy Rule of the Health Insurance Portability a	and Accountability Act of 1996

I. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT, except psychotherapy notes, and CONFIDENTIAL HIV\* RELATED INFORMATION only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.

2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.

3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.

4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.

5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENT.

Name and address of health provider or entity to release this in	FORWARD TAL AGENCY SPECIFIED IN ITEM 9 (b).
CHUMITU MAGIMI: 104-374 10110-st	2112 5/1 11111
8. Name and address of person(s) or category of person to whom t	10104, J. KICHMOND HIII, MY 11419
Simmons Januace Deluca, LLP, 43 Corporate Drive, H	his information will be sent:
9(a). Specific information to be released:	rauppauge, New York 11/88
Medical Record from (insert date)	F- C
Entire Medical Record, including nations histories office.	to (insert date)
referrals, consults, billing records, insurance records, and	notes (except psychotherapy notes), test results, radiology studies, films,
Other: 9// medical records,	records sent to you by other health care providers.
Proche Charlet 18 Ula	Include (Indicate by Initialing)
10 10, 11ms + 11/15	Alcohol/Drug Treatment
1.0.1.0	Mental Health Information
Authorization to Discuss Health Information	HIV-Related Information
(b) By initialing here I authorize	
Initials	Name of individual health care provider
to discuss my health information with my attorney, or a gove	rnmental agency, listed here
10 Penson for value C. C. (Attorney/Firm Name or Go	vernmental Agency Name)
To. Reason for release of information:	11. Date or event on which this authorization will expire:
☐ At request of individual ☐ Other: LEGAL	
	two years from date signed
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:
	· · · · · · · · · · · · · · · · · · ·
All items on this form have been completed and my questions about	this form have been answered in addition I have
copy of the form.	SWOTH TO be Love made in have been provided a
1 LA FAMINO	Telle ( refer
All items on this form have been completed and my questions about copy of the form.  Signature of rations or representative authorized by law.	Date: 07-20-2020
Signature of ratient or representative authorized by law.	7 0000 //

Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects Notary Pinnich State of New York

No. 02SK6316884 Qualified in Queens County

identify someone as having HIV symptoms or infection and information regarding a person's contacts.

ATTORNEYS AT LAW
43 CORPORATE DRIVE
HAUPPAUGE, NEW YORK 11788-2048
(631) 873-4888
FAX (631) 873-4889

Counsel

Susan B. Jannace Ross M. Chinitz \( \Delta \)

\*Also Admitted NJ AAlso Admitted CT

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* Ian E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann

Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLuca

August 21st, 2020

Dr. Jagga Alluri 110-50 71 Road, #1B Forest Hills, New York 11375

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address:95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

To Whom It May Concern:

Attached hereto please find a subpoena in reference to the above captioned matter. This letter is to notify you that you need NOT appear at our office on the said date on the subpoena. However, you are required to send a certified copy of all records in your possession to our office:

Simmons Jannace DeLuca, LLP 43 Coprorate Drive Hauppauge, New York 11788-2048

We must receive these records by the date on the subpoena. Thank you for your corporation in this matter. If you have any questions, please do not hesitate to contact me.

Very Truly Yours.

Simmons Jannace DeLuca, LLP

Stephanie Adamo Paralegal

By: Ilephanie

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

Devander Singh

# UNITED STATES DISTRICT COURT

for the

### Eastern District of New York

)

	Plaintiff	)	40.07/4004
4	v.	) Civil Action No.	19-CV-1984
Costco Whole	sale Corporation, et al.	)	
	Defendant	)	
		,	
	POENA TO PRODUCE DOCUM OR TO PERMIT INSPECTION (		
То:	110-50 71 Road, F	Jagga Alluri orest Hills, New York 11375	
	(Name of person to	whom this subpoena is directed)	
	OU ARE COMMANDED to produ lly stored information, or objects, a		
Place: Simmons Jannac	no Dollugo III P	Date and Time:	
43 Corporate Dri Hauppauge, NY	ve	08	)/10/2020 10:00 am
	ed or controlled by you at the time, a survey, photograph, test, or sample		
Rule 45(d), relating to y respond to this subpoen	provisions of Fed. R. Civ. P. 45 are your protection as a person subject a and the potential consequences o	to a subpoena; and Rule 45	
Date:	_		
	CLERK OF COURT	OR	
	Signature of Clerk or Deputy C		Attorney's signature
mı		0.1	
	ail address, and telephone number	•	
Costco Wholesale Corpo Sal F. DeLuca, Simmons	oration Jannace DeLuca, LLP, 43 Corporate D		s or requests this subpoena, are:
sdeluca@sjdfirm.com		, , , , , , , , , , , , , , , , , , , ,	· ·

### Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)	bpoena for (name of individual and title, if a	ny)	
☐ I served the su	ubpoena by delivering a copy to the na	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under po	enalty of perjury that this information	is true.	
e:		Server's signature	
		Printed name and title	

Additional information regarding attempted service, etc.:

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (Č) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

#### (g) Contempt

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).



# AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA OCA Official Form No.: 960

[This form has been approved by the New York State Department of Health

Patient Name	To k State Department	or Health			
Devander Singh	Date of Birth	Social Security Number			
Patient Address	(15)01/80	()10-10-1818)			
95-02 104th Street, Ozone Park, New York 11416					
l, or my authorized representative, request that health information	n regarding my care and treatment				
	the Health Insurance Postability of	toe released as set forth on this form:			
(HIPAA), I understand that:	The Treatm Madrance Portability at	nd Accountability Act of 1996			
1. This authorization may include disclosure of information TREATMENT, except psychotherapy notes, and CONFIDENT	relating to ALCOHOL and DR	UG ABUSE, MENTAL HEALTH			
the appropriate line in Item 9(a). In the event the health in Comme	TAL III WELATED INFORM	1ATION only if I place my initials on			
initial the line on the box in Item 9(a) I specifically authorize and	mon described below includes any	y of these types of information, and 1			
2. If I am authorizing the release of HIV-related, alcohol or diprohibited from redisclosing such information without my au	ug treatment, or mental health tre	eatment information, the registers is			
prohibited from redisclosing such information without my au understand that I have the right to request a list of people who may	horization unless permitted to d	o so under federal or state law.			
I experience discrimination because of the release on disclar	of the or tise my lary-related i	information without authorization. If			
of Human Rights at (212) 480-2493 or the New York City Coresponsible for protecting my rights.	ommission of Human Rights at C	contact the New York State Division			
3. I have the right to revoke this outlestime.	Tables in (2	212) 300-7430. These agencies are			
3. I have the right to revoke this authorization at any time by w revoke this authorization except to the extent that action has already	iting to the health care provider li	isted below. I understand that I may			
4. I understand that signing this authorization is voluntary. My describated on this authorization.					
benefits will not be conditioned upon my authorization of this disclosure.					
5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.					
6. THIS AUTHORIZATION DOES NOT AUTHORIZE MOVES					
CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9 (b).					
The state of the s	of mation.	/ STECHTED IN TIEM 9 (B).			
8. Name and address of person(s) or category of acceptance	The state of the s	1 11111 11375			
Horizon Beluca, LLI, 43 Corporate Drive. H	auppauge, New York 11788				
Medical Passad Co. (1)					
☐ Entire Medical Record, including nations histories office a	to (insert date)				
Entire Medical Record, including patient histories, office notes (except psychotherapy notes), test results, radiology studies, films, referrals, consults, billing records, insurance records, and records sent to you by other health care providers.					
Other: all medical records,		licate by Initialing)			
reports, films + bills		lcohol/Drug Treatment			
Anthony	DX M	ental Health Information			
Authorization to Discuss Health Information	ТХ н	IV-Related Information			
(b) By initialing here I authorize					
to discuss my health information with my attorney, or a governmental agency, listed here:					
10. Reason for release of information:	ernmental Agency Name)				
☐ At request of individual	11. Date or event on which this a	authorization will expire;			
Other: LEGAL	two years from date signed				
12. If not the patient, name of person signing form:	13. Authority to sign on behalf o	of patient;			
All items on this form have been completed and					
All items on this form have been completed and my questions about copy of the form.	this form have been answered. In	addition, I have been provided a			
( admin	DEFOY	e mon!			
Signature of policy A	Date: 07-20-2020				
Signature of patient or representative authorized by law.					

\* Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects in the Public Policy Polic identify someone as having HIV symptoms or infection and information regarding a person's contacts. No. 02SK6316884 **Qualified in Queens County** 

ATTORNEYS AT LAW
43 CORPORATE DRIVE
HAUPPAUGE, NEW YORK 11788-2048
(631) 873-4888
FAX (631) 873-4889

Counsel

Susan B. Jannace Ross M. Chinitz A

\*Also Admitted NJ Also Admitted CT

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* Ian E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann

Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLucas

August 21st, 2020

Dr. Boris Chusid 68-60 Austin Street Forest Hills, New York 11375

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address:95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

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Very Truly Yours.

Simmons Jannace DeLuca, LLP

y: <u>Stephanie Staa</u> Stephanie Adamo

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

Devander Singh

## UNITED STATES DISTRICT COURT

for the

## Eastern District of New York

)

Plaintiff	)
V.	Civil Action No. 19-CV-1984
Costco Wholesale Corporation, et al.	)
Defendant	) )
SUBPOENA TO PRODUCE DOCUMI OR TO PERMIT INSPECTION OF	ENTS, INFORMATION, OR OBJECTS F PREMISES IN A CIVIL ACTION
68-60 Austin Street, Fo	oris Chusid orest Hills, New York 11375
(Name of person to wh	hom this subpoena is directed)
<b>№</b> Production: YOU ARE COMMANDED to product documents, electronically stored information, or objects, and material:	ce at the time, date, and place set forth below the following d to permit inspection, copying, testing, or sampling of the
Place: Simmons Jannace DeLuca, LLP	Date and Time:
43 Corporate Drive Hauppauge, NY 11788	09/10/2020 10:00 am
other property possessed or controlled by you at the time, damay inspect, measure, survey, photograph, test, or sample the Place:	
The following provisions of Fed. R. Civ. P. 45 are a Rule 45(d), relating to your protection as a person subject to respond to this subpoena and the potential consequences of a Date:	
CLERK OF COURT	OR
Signature of Clerk or Deputy Cler	rk Attorney's signature
	f the attorney representing (name of party)
Costco Wholesale Corporation Sal F. DeLuca, Simmons Jannace DeLuca, LLP, 43 Corporate Driv sdeluca@sjdfirm.com	, who issues or requests this subpoena, are; ve, Hauppauge, NY 11/88 (631) 8/3-4888,

## Notice to the person who issues or requests this subpoena

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this su	bpoena for (name of individual and title, if a	ny)	
on (date)			
☐ I served the su	abpoena by delivering a copy to the nar	med person as follows:	
		on (date)	or
☐ I returned the	subpoena unexecuted because:		
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$	•		
My fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under po	enalty of perjury that this information i	s true.	
ate:		Server's signature	
	:	Printed name and title	

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

#### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

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#### (g) Contempt.





# AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA

This form has been approved by	the New York State Department	t of Health]
Patient Name	Date of Birth	Social Security Number
Devander Singh	/80	Social Security Mumber
Patient Address		
95-02 104th Street, Ozone Park, New York 11416		
l, or my authorized representative, request that health informati	ion regarding my care and treatmen	nt he water at the contract of
(HIPAA), I understand that:	of the Health Insurance Portability	and Accountability Act of 1996
1. This authorization may include disclosure of information TREATMENT, except psychotherapy notes, and CONFIDEN the appropriate line in Item 9(a). In the event the health information initial the line on the box in Item 9(a), I specifically authorize reduced to the line on the box in Item 9(a), I specifically authorize reduced to the line on the box in Item 9(a), I specifically authorize reduced to the line on the box in Item 9(a), I specifically authorize reduced to the reduced prohibited from redisclosing such information without my a understand that I have the right to request a list of people who may be reduced discrimination because of the release or disclosure of Human Rights at (212) 480-2493 or the New York City (12) responsible for protecting my rights.  3. I have the right to revoke this authorization at any time by revoke this authorization except to the extent that action has already and the reduced that signing this authorization is voluntary. It is benefits will not be conditioned upon my authorization of this died.  5. Information disclosed under this authorization might be reduced by federal or state law.  6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOUR CARE WITH ANYONE OTHER THAN THE ATTORNEY. Name and address of health provider or entity to release this in the support of the line of the provider or entity to release this in the provider or entity to release this provider or entity to release this provider or entity to r	mation described below includes an elease of such information to the production to the production of the production of the production of the production unless permitted to may receive or use my HIV-related of HIV-related information, I may Commission of Human Rights at writing to the health care provider eady been taken based on this authory treatment, payment, enrolling sclosure. disclosed by the recipient (except OU TO DISCUSS MY HEALTH OR GOVERNMENTAL AGENTAL	MATION only if I place my initials only of these types of information, and erson(s) indicated in Item 8. Treatment information, the recipient is do so under federal or state law. I information without authorization. It is contact the New York State Division (212) 306-7450. These agencies are listed below. I understand that I may orization.  Int in a health plan, or eligibility for as noted above in Item 2), and this
LC EDOKIS (MUSICE OX-60 HISAN GL	and Frail Helle 1	14 11375
o. Name and address of person(s) or category of person to whom	this information will be a	
Simmons Jaimace Deluca, LLP, 43 Corporate Drive,	Hauppauge, New York 11788	
9(a). Specific information to be released:		
Medical Record from (insert date)	_ to (insert date)	
☐ Entire Medical Record, including patient histories, office	notes (except psychotherapy notes	s), test results, radiology studies, films
visitance records, and	d records sent to you by other healt	h care providers,
	Include: (In	ndicate by Initialing)
reports, film + bills	$\Omega$	Alcohol/Drug Treatment
Ra I		Mental Health Information
Authorization to Discuss Health Information		HIV-Related Information
(b) ☐ By initialing here I authorize		Remited Infollmation
Initials	Name of individual health ca	are provider
to discuss my health information with my attorney, or a gov	vernmental agency, listed here:	we provider
(Attorney/Firm Name or G	overnmental Agency Name)	
U. Reason for release of information:	11. Date or event on which thi	s authorization will expire:
At request of individual		s danonzation will expire.
Other: LEGAL	two years from date signed	l
2. If not the patient, name of person signing form:	13. Authority to sign on behalf	of patient:
II items and it is the second of the second		
the form have been completed and my questions abo	ut this form have been answered. J	n addition, I have been provided a
All items on this form have been completed and my questions abo	SWUTT to before	re me on:
THOUSE OF	Date: 07-20-2020	
Signature of patient or representative authorized by law.	Date: UI-QU- QUAU	

STEPHEN A SKOR Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects identify someone as having HIV symptoms or infection and information regarding a person's contacts. No. 02SK6316884 No. 02SK6316884 **Qualified in Queens County** 

ATTORNEYS AT LAW
43 CORPORATE DRIVE
HAUPPAUGE, NEW YORK 11788-2048
(631) 873-4888
FAX (631) 873-4889

Counsel

Susan B. Jannace Ross M. Chinitz

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* Ian E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann

Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLucas

August 21st, 2020

Dr. Howard Gelber 227 Franklin Avenue Hewlett, New York 11557

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address: 95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

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Simmons Jannace DeLuca, LLP

Sy: <u>Mefuhanie Nda</u> Stephanie Adamo

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## United States District Court

for the

Eastern District of New York

Devander Singh	
Plaintiff	, , , , , , , , , , , , , , , , , , ,
v.	Civil Action No. 19-CV-1984
Costco Wholesale Corporation, et al.	)
Defendant	)
	MENTS, INFORMATION, OR OBJECTS OF PREMISES IN A CIVIL ACTION
	loward Gelber e, Hewlett, New York 11557
	whom this subpoena is directed)
material:	
Place: Simmons Jannace DeLuca, LLP	Date and Time:
43 Corporate Drive Hauppauge, NY 11788	09/10/2020 10:00 am
	ED to permit entry onto the designated premises, land, or date, and location set forth below, so that the requesting party the property or any designated object or operation on it.  Date and Time:
~ · · · · · · · · · · · · · · · · · · ·	attached – Rule 45(c), relating to the place of compliance; to a subpoena; and Rule 45(e) and (g), relating to your duty to f not doing so.
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Cl	lerk Attorney's signature
The name, address, e-mail address, and telephone number of	of the attorney representing (name of party)
Costco Wholesale Corporation Sal F. DeLuca, Simmons Jannace DeLuca, LLP, 43 Corporate Dr sdeluca@sjdfirm.com	, who issues or requests this subpoena, are: rive, Hauppauge, NY 11/88 (631) 8/3-4888,

Notice to the person who issues or requests this subpoena

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	ubpoena for (name of individual and title, if a	ny)	
1 (date)			
☐ I served the s	subpoena by delivering a copy to the na	med person as follows:	
		on (date)	or
☐ I returned the	e subpoena unexecuted because:		
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$	•		
y fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under j	penalty of perjury that this information	is true.	
te:		Server's signature	
		Printed name and title	

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party,
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents, A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand,
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

### (g) Contempt.



OCA Official Form No.: 960
AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA

[This form has been approved by the New York State Department of Health]

Date of Birth	Social Security Number
A CONTRACTOR OF THE CONTRACTOR	Social Security Number
- 00	( Junanie iste)
	Date of Birth

l, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

1. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT, except psychotherapy notes, and CONFIDENTIAL HIV\* RELATED INFORMATION only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.

2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If 1 experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are

3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.

4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.

5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM O. (5).

7. Name and addressed health associates a cartier of the second of the s		
and grades of health provider of entity to release this in	ormation:	
Ir. Howard Gelber; 227 Franklin	TUPPLE, HEWLEHT, NY 11557	
1 0. INMITE AND ADDIESS OF DEISON(s) or category of person to subserve	In the formation of the state o	
Simmons Jannace Deluca, LLP, 43 Corporate Drive, H	auppauge, New York 11788	
9(a). Specific information to be released:		
☐ Medical Record from (insert date)	to (insert date)	
referrals consults billing records in an arrival referrals consults billing records in an arrival referrals consults billing records in a referral	otes (except psychotherapy notes), test results, radiology studies, films,	
referrals, consults, billing records, insurance records, and Other: Al Medical Records.	records sent to you by other health care providers.	
A Other Will Health Tellores,	Include: (Indicate by Initialing)	
1100x 15, +1/115 + 01/15	Alcohol/Drug Treatment	
	Mental Health Information	
Authorization to Discuss Health Information	HIV-Related Information	
(b) By initialing here I authorize		
Initials	Name of individual banks and it	
to discuss my health information with my attorney, or a gove	rnmental agency, listed here:	
(Attorney/Firm Name or Go 10. Reason for release of information:		
At request of individual	11. Date or event on which this authorization will expire:	
☑ Other: LEGAL	two years from data sing d	
12. If not the patient, name of person signing form:	two years from date signed	
Partient, marie of person signing form.	13. Authority to sign on behalf of patient:	
All items on this form have been completed I		
All items on this form have been completed and my questions about copy of the form.	this form have been answered. In addition, I have been provided a	
01000	The peters Blow.	

Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects in the New York State Public Health Law pr

Signature of patient or representative authorized by law.

Date: 07-20-202

Qualified in Ousses Co

ATTORNEYS AT LAW
43 CORPORATE DRIVE
HAUPPAUGE, NEW YORK 11788-2048
(631) 873-4888
FAX (631) 873-4889

Counsel

Susan B. Jannace Ross M. Chinitza

\*Also Admitted NJ ΔAlso Admitted CT

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* Ian E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann

Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLuca

August 21st, 2020

Dr. Azeen Khan 108-40 Queens Boulevard Forest Hills, New York 11375

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address:95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

To Whom It May Concern:

Attached hereto please find a subpoena in reference to the above captioned matter. This letter is to notify you that you need NOT appear at our office on the said date on the subpoena. However, you are required to send a certified copy of all records in your possession to our office:

Simmons Jannace DeLuca, LLP 43 Coprorate Drive Hauppauge, New York 11788-2048

We must receive these records by the date on the subpoena. Thank you for your corporation in this matter. If you have any questions, please do not hesitate to contact me.

Very Truly Yours.

Simmons Jannace DeLuca, LLP

y: <u>Mephanie Ida</u> Stephanie Adamo

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## United States District Court

for the

Eastern District of New York

Devander Singh	)
Plaintiff	)
$\mathbf{v}_{e}$	Civil Action No. 19-CV-1984
Costco Wholesale Corporation, et al.	)
Defendant	)
	CUMENTS, INFORMATION, OR OBJECTS ON OF PREMISES IN A CIVIL ACTION
To:	Dr. Azeen Khan ulevard, Forest Hills, New York 11375
	on to whom this subpoena is directed)
material:	ts, and to permit inspection, copying, testing, or sampling of the
Place: Simmons Jannace DeLuca, LLP	Date and Time:
43 Corporate Drive Hauppauge, NY 11788	09/10/2020 10:00 am
	me, date, and location set forth below, so that the requesting party uple the property or any designated object or operation on it.  Date and Time:
	5 are attached – Rule 45(c), relating to the place of compliance; ject to a subpoena; and Rule 45(e) and (g), relating to your duty to ses of not doing so.
Date:	·
•	
CLERK OF COURT	OR
Signature of Clerk or Dep	uty Clerk Attorney's signature
The name, address, e-mail address, and telephone num	aber of the attorney representing (name of party)
Costco Wholesale Corporation	, who issues or requests this subpoena, are:
Sai F. DeLuca, Simmons Jannace DeLuca, LLP, 43 Corpora sdeluca@sjdfirm.com	ite Drive, Hauppauge, NY 11788 (631) 873-4888,

Notice to the person who issues or requests this subpoena

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

1 (date)	bpoena for (name of individual and title, if a	19)	
☐ I served the su	ubpoena by delivering a copy to the nat	ned person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
y fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	enalty of perjury that this information i	s true.	
nte:		Server's signature	
		Printed name and title	

AO 88B (Rev. 12/13) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

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- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
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- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
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#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

#### (g) Contempt.



Signature of patient or representative authorized by law.

## OCA Official Form No.: 960 AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA

[This form has been approved by the New York State Department of Health]

Patient Name	Date of Birth	Social Security Number
Devander Singh	(80	(I desiration)
Patient Address		
95-02 104th Street, Ozone Park, New York 11416		.00.1

I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

- 1. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT, except psychotherapy notes, and CONFIDENTIAL HIV\* RELATED INFORMATION only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.
- 2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.
- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER

CARE WITH ANTONE OTHER THAN THE ATTORNEY O	R GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9 (b).
1. Name and address of health provider or entity to release this inf	grmation:
Dr. Hzeen Khan, 108-40 Queens BI	va. Forest Hills, N.Y. 11.37.5
8. Name and address of person(s) or category of person to whom the	nis information will be cent!
Simmons Jannace Deluca, LLP, 43 Corporate Drive, H	auppauge, New York 11788
9(a). Specific information to be released:	
☐ Medical Record from (insert date)	to (insert date)
☐ Entire Medical Record, including patient histories, office n	Otes (except psychotherapy notes) test results radiology studios films
referrals, consults, billing records, insurance records, and i	ecords sent to you by other health care providers
Other: all medical records,	Include: (Indicate by Initialing)
Ve Mark Glass + hills	
reports, that the	Alcohol/Drug Treatment
Andre Left at Pile and the Control of the Control o	Mental Health Information
Authorization to Discuss Health Information	HIV-Related Information
(b) ☐ By initialing here I authorize	
Initials	Name of individual health care provider
to discuss my health information with my attorney, or a gove	rnmental agency, listed here:
(Attorney/Firm Name or Gov	/ernmental Agency Name)
10. Reason for release of information:	11. Date or event on which this authorization will expire:
At request of individual	·
Other: LEGAL	two years from date signed
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:
$\cap$	•
All items on this form have been completed and my questions about	this form have been answered. In addition, I have been associated -
copy of the form	SWOTH to be Love me of
112000	- Letvic ripepil.

STERMEN A SKOR Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects in few Piliston Public Population of the Public Public Population of the Public Publ identify someone as having HIV symptoms or infection and information regarding a person's contacts. No. 02SK6316884 Qualified in Queens County

Date: <u>07-20-2020</u>

ATTORNEYS AT LAW
43 CORPORATE DRIVE
HAUPPAUGE, NEW YORK 11788-2048
(631) 873-4888
FAX (631) 873-4889

Counsel

Susan B. Jannace Ross M. Chinitz∆

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* Ian E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann

Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLucaA

August 21st, 2020

Dr. Wen Wang 116-14 Myrtle Avenue Jamaica, New York 11418

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address: 95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

To Whom It May Concern:

Attached hereto please find a subpoena in reference to the above captioned matter. This letter is to notify you that you need NOT appear at our office on the said date on the subpoena. However, you are required to send a certified copy of all records in your possession to our office:

Simmons Jannace DeLuca, LLP 43 Coprorate Drive Hauppauge, New York 11788-2048

We must receive these records by the date on the subpoena. Thank you for your corporation in this matter. If you have any questions, please do not hesitate to contact me.

Very Truly Yours.

Simmons Jannace DeLuca, LLP

By: <u>Ilephanie Adam</u> Stephanie Adamo

AO 88B (Rev. 12/13) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Devander Singh )	
Plaintiff )	Givil Action No. 19-CV-1984
V. )  Costco Wholesale Corporation, et al. )	Civil Action No. 19-CV-1984
Costco vynolesale Corporation, et al.	
Defendant )	
SUBPOENA TO PRODUCE DOCUMENT OR TO PERMIT INSPECTION OF PE	
To: Dr. Wen	· · ·
116-14 Myrtle Avenue, Jar (Name of person to whom	
Production: YOU ARE COMMANDED to produce at	
documents, electronically stored information, or objects, and to material:	permit inspection, copying, testing, or sampling of the
Place: Simmons Jannace DeLuca, LLP	Date and Time:
43 Corporate Drive Hauppauge, NY 11788	09/10/2020 10:00 am
Inspection of Premises: YOU ARE COMMANDED to other property possessed or controlled by you at the time, date, a may inspect, measure, survey, photograph, test, or sample the property.  Place:	and location set forth below, so that the requesting party
The following provisions of Fed. R. Civ. P. 45 are attack. Rule 45(d), relating to your protection as a person subject to a strespond to this subpoena and the potential consequences of not of the subpoena.	ubpoena; and Rule 45(e) and (g), relating to your duty to
Date:	
CLERK OF COURT	
	OR
Signature of Clerk or Deputy Clerk	Attorney's signature
The name, address, e-mail address, and telephone number of the	attorney representing (name of party)
Costco Wholesale Corporation	, who issues or requests this subpoena, are:
Sai F. DeLuca, Simmons Jannace DeLuca, LLP, 43 Corporate Drive, H	lauppauge, NY 11788 (631) 873-4888,

Notice to the person who issues or requests this subpoena

AO 88B (Rev. 12/13) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this sul	ppoena for (name of individual and title, if an	y)	
on (date)			
☐ I served the su	bpoena by delivering a copy to the nar	ned person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
		States, or one of its officers or agents, Is, and the mileage allowed by law, in the	
1y fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	nalty of perjury that this information i	s true.	
ate:		Server's signature	
		Printed name and title	
		Server's address	

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative, In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

#### (g) Contempt.



OCA Official Form No.: 960 AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA

[This form has been approved by the New York State Department of Health]

Patient Name	Date of Birth	Social Security Number
Devander Singh	80	46-06-9818
Patient Address		
95-02 104th Street, Ozone Park, New York 11416		

I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

- 1. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT, except psychotherapy notes, and CONFIDENTIAL HIV\* RELATED INFORMATION only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.
- 2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.
- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENTAL ACENCY SPECIFIED IN ITEM 0 (A)

Table of the state	R GOVERNMENTAL AGENCY SPECIFIED IN 11 EM 9 (b).	
7. Name and address of health provider or entity to release this information:		
Dr. Wen Wang: 116-14 Myrth Avenue, Jamaica, NY 11418		
8. Name and address of person(s) or category of person to whom the	is information will be sent:	
Simmons Januace Deluca, LLP, 43 Corporate Drive, H	aunnange New York 11788	
9(a). Specific information to be released:		
Medical Record from (insert date)	to Connect data?	
D Entire Medical Record including national historia CC	to (insert date)	
Entire Medical Record, including patient histories, office notes (except psychotherapy notes), test results, radiology studies, films,		
referrals, consults, billing records, insurance records, and r	ecords sent to you by other health care providers.	
Other: 4/1 Medical records	Include: (Indicate by Initialing)	
reports, films + bills	Alcohol/Drug Treatment	
7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7		
Authorization to Missuss IIleb Turk-new 4	Mental Health Information	
Authorization to Discuss Health Information		
(b) ☐ By initialing here I authorize		
to discuss my health information with my attorney, or a governmental agency, listed here:		
(Attorney/Firm Name or Gov	rernmental Agency Name)	
10. Reason for release of information:	11. Date or event on which this authorization will expire:	
☐ At request of individual	The state of the s	
☑ Other: LEGAL	two years from date signed	
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:	
	·	
All items on this form have been completed and my questions about	this form have been answered. In addition, I have been provided a	
All items on this form have been completed and my questions about this form have been answered. In addition, I have been provided a copy of the form.  Date: 07-20-2020		
Mila	- Live incom.	
77-20 2020		
W/A	Date: U / au - avau	

Human Immunodeficiency Virus that causes AIDS. The New York State Public Health-Law protects in the Property of the Property o

Signature of patient or representative authorized by law.

ATTORNEYS AT LAW
43 CORPORATE DRIVE
HAUPPAUGE, NEW YORK 11788-2048
(631) 873-4888
FAX (631) 873-4889

Susan B. Jannace Ross M. Chinitz

Counsel

\*Also Admitted NJ ΔAlso Admitted CT

Daniel P. Borbet Katherine R. Cutrone Irina Feferman\* lan E. Hannon Sally Kassim-Schaefer Michael C. Lamendola\* Aric H. Peymann

Daniel J. Solinsky

Kevin P. Simmons

Steven D. Jannace

Allison C. Leibowitz

Stacey Ramis Nigro

Sal F. DeLucaA

August 21st, 2020

Dr. Gurmukh Raince 114-07 101 Avenue Richmond Hill, New York 11419

Re: Singh, Devander v. Costco, et. al.

Claimant: Devander Singh a/k/a Davinder Singh Address:95-02 104th Street, Ozone Park, NY 11416

D/O/B: 03/01/1980 Soc Sec#: xxx-xx-9818

To Whom It May Concern:

Attached hereto please find a subpoena in reference to the above captioned matter. This letter is to notify you that you need NOT appear at our office on the said date on the subpoena. However, you are required to send a certified copy of all records in your possession to our office:

Simmons Jannace DeLuca, LLP 43 Coprorate Drive Hauppauge, New York 11788-2048

We must receive these records by the date on the subpoena. Thank you for your corporation in this matter. If you have any questions, please do not hesitate to contact me.

Very Truly Yours.

Simmons Jannace DeLuca, LLP

y: <u>Mephanie Maar</u> Stephanie Adamo

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

for the

## Eastern District of New York

Devander Singh )	
Plaintiff )	10 CV 1094
v. )	Civil Action No. 19-CV-1984
Costco Wholesale Corporation, et al.	
Defendant )	
SUBPOENA TO PRODUCE DOCUMEN' OR TO PERMIT INSPECTION OF P	
To: Dr. Gurmuk 114-07 101 Avenue, Richm	
	this subpoena is directed)
documents, electronically stored information, or objects, and to material:	permit inspection, copying, coming, or sampling of the
Place: Simmons Jannace DeLuca, LLP	Date and Time:
43 Corporate Drive	09/10/2020 10:00 am
Hauppauge, NY 11788	
Inspection of Premises: YOU ARE COMMANDED to other property possessed or controlled by you at the time, date, may inspect, measure, survey, photograph, test, or sample the p	and location set forth below, so that the requesting party
Place:	Date and Time:
7	
The following provisions of Fed. R. Civ. P. 45 are attack. Rule 45(d), relating to your protection as a person subject to a serespond to this subpoena and the potential consequences of not	subpoena; and Rule 45(e) and (g), relating to your duty to
Date:	
CLERK OF COURT	0.70
	OR
Signature of Clerk or Deputy Clerk	Attorney's signature
The name, address, e-mail address, and telephone number of the	e attorney representing (name of party)
Costco Wholesale Corporation	, who issues or requests this subpoena, are:
Sal F. DeLuca, Simmons Jannace DeLuca, LLP, 43 Corporate Drive, I sdeluca@sjdfirm.com	наирраиде, NY 11788 (631) 873-4888,

## Notice to the person who issues or requests this subpoena

AO 88B (Rev. 12/13) Subpocaa to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 19-CV-1984

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	ubpoena for (name of individual and title, if a	(ny)	
(date)			
☐ I served the s	ubpoena by delivering a copy to the na	med person as follows:	
		on (date)	or
☐ I returned the	subpoena unexecuted because:		
tendered to the v		I States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$	·		
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	penalty of perjury that this information	is true.	
e:		Server's signature	
		Printed name and title	
		Server's address	

AO 88B (Rev. 12/13) Subpocna to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

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- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
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- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

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- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

#### (g) Contempt.



OCA Official Form No.: 960

## AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION PURSUANT TO HIPAA

[This form has been approved by the New York State Department of Health]

Patient Name	Date of Birth	Social Security Number
Devander Singh	80	ELECTRICAL TO
Patient Address .		
95-02 104th Street, Ozone Park, New York 11416		

I, or my authorized representative, request that health information regarding my care and treatment be released as set forth on this form: In accordance with New York State Law and the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), I understand that:

- 1. This authorization may include disclosure of information relating to ALCOHOL and DRUG ABUSE, MENTAL HEALTH TREATMENT, except psychotherapy notes, and CONFIDENTIAL HIV\* RELATED INFORMATION only if I place my initials on the appropriate line in Item 9(a). In the event the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the person(s) indicated in Item 8.
- 2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact the New York State Division of Human Rights at (212) 480-2493 or the New York City Commission of Human Rights at (212) 306-7450. These agencies are responsible for protecting my rights.
- 3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.
- 4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.
- 5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.
- 6. THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9 (b).

CARE WITH ANYONE OTHER THAN THE ATTORNEY OF	R GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9 (b).		
7. Name and address of health provider or entity to release this info	rmation:		
Dr. Gurmukh Kaince: 114-07 101 Hue	nue, Kichmond MII. NY 11419		
6. Ivalife and address of person(s) of category of person to whom the	s information with 0¢ sent.		
Simmons Jannace Deluca, LLP, 43 Corporate Drive, Hauppauge, New York 11788			
9(a). Specific information to be released:	William Control of the Control of th		
☑ Medical Record from (insert date) to (insert date)			
☐ Entire Medical Record, including patient histories, office no	otes (except psychotherapy notes), test results, radiology studies, films,		
referrals, consults, billipg records, insurance records, and re			
Other: all medical records	Include: (Indicate by Initialing)		
Ve norte films + hills	Alcohol/Drug Treatment		
reports, times tom			
and the second second	Mental Health Information		
Authorization to Discuss Health Information HIV-Related Information			
(b) D By initialing here I authorize	Vec		
Initials Name of individual health care provider			
to discuss my health information with my attorney, or a governmental agency, listed here:			
	N N N N N N N N N N N N N N N N N N N		
(Attorney/Firm Name or Gov	ernmental Agency Name)		
10. Reason for release of information:	11. Date or event on which this authorization will expire:		
☐ At request of individual			
Other: LEGAL	two years from date signed		
12. If not the patient, name of person signing form:	13. Authority to sign on behalf of patient:		
All items on this form have been completed and my questions about this form have been answered. In addition, I have been provided a			
copy of the form.	SWORD TO before me on!		

Human Immunodeficiency Virus that causes AIDS. The New York State Public Health Law protects information which income as having HIV symptoms or infection and information regarding a person's contacts.

No. 928K6316884

Qualified in Queens County

Signature a patient or representative authorized by law.

Date: 107-20-2000